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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,732	11/28/2000	Hiroshi Kobayashi	4173.0134-03	6305

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EXAMINER	
TON, DANG T	

ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/722,732	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	DANG T TON	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 November 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *21* is/are allowed.

6)☒ Claim(s) *22-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 07/736,282.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/28/2000*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 33 lines 4- 5, " the multi-point connect controlling apparatus according to claim 32 " is not clear since it is not known what the " disposed between the multi-point connect controlling apparatus according to claim 32 and the information processing terminal" applicant referring to.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in

order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurkevich et al. (5,164,938) in view of Fujiwara et al. (4,663,709).

For claims 22-24, Jurkevich et al. disclose bandwidth seizing in integrated services networks comprising:

means for erasing at least one of the plurality of communication channels (see channels n figure 5) out of the management tables (see box update T-slot profile table in figure 17)and for releasing resources related to the communication channel in the communication network in accordance with traffic intensity in the communication network (see column 5 lines 56-61).

For claims 22-24, Jurkevich et al. disclose all the subject matter of the claimed invention with the exception of a resumption request call setup for a call which has been disconnected in a communications network. Fujiwara et al. from the same or similar fields of endeavor teaches a provision of the resumption request flag indicating that the interrupted process can be resumed whenever the register data associated with the virtual CPU is recovered (see column 7 lines 20-25). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use a resumption request call setup for a call which has been disconnected as taught by Fujiwara et al. in the communications network of Jurkevich et al .

The resumption request call setup for a call which has been disconnected in a communications network can be implemented/modified into the network of Jurkevich et al since it does teach reconnected route. The motivation for using the resumption request call setup for a call which has been disconnected in a communications network as taught by Fujiwara et al. in the communications network of Jurkevich et al being that it provides much higher utilizations while maintaining the guaranteed QoS and provides the system more reliable since it teach the resumption request.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Punj et al. (5,150,358).

For claim 25, Punj et al. disclose a system comprising an interface circuit for transmitting information composed of a plurality of the packets by using a mixed bit rate transmission service mixing up constant bit rate part (see CBR in column 3 line 5)and variable bit rate part (see VBR in column 3 line 5)between end-user terminals and the interface circuit; and controlling means for controlling the interface circuit (see details of controller in box 124 in figure 1).

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a),

the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 26,28, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Punj et al. in view of Hemmady et al. (4,872,157).

For claims 26,28, and 30-33 ,Punj et al. disclose all the subject matter of the claimed invention with the exception of means for performing flow control such that end-user terminals

request desired actual transmission speeds of information to be transmitted to the network through the user interfaces and the broadband communication nodes, with flow control periodically performed by the network responding to the end-user terminals about permissible actual transmission speeds in accordance with the desired actual transmission speeds. Hemmady et al. from the same or similar fields of endeavor teaches a provision of permissible actual transmission speeds in accordance with the desired actual transmission speeds (see column 6 lines 14-19) and the flow control periodically are well-known in the art. Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use means for performing flow control such that end-user terminals request desired actual transmission speeds of information to be transmitted to the network through the user interfaces and the broadband communication nodes as taught by Hemmady et al. and the well-known performing the periodically flow controlling the communications network of Punj et al.

The means for performing flow control such that end-user terminals request desired actual transmission speeds of information to be transmitted to the network through the user interfaces and the broadband communication nodes can be implemented/modified into the network of Punj by using the

controller box 124 to perform above function. The motivation for using means for performing flow control such that end-user terminals request desired actual transmission speeds of information to be transmitted to the network through the user interfaces and the broadband communication nodes as taught by Hemmady et al. in the communications network of Punj et al. being that it prevents overflow.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Punj et al. in view of Adelman et al. (4,703,477).

For claims 27 and 29 ,Punj et al. disclose all the subject matter of the claimed invention with the exception of transmitting packets on a same virtual channel or on a same virtual path onto the broadband communication network with random transmission timings or with random packet transmission

interval. Adelman et al. from the same or similar fields of endeavor teaches a provision of the transmitted packets received at access interface receiver at arbitrary intervals with random transmission delays as indicated by the packet receive time(see column 30 lines 25-28). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use means for transmitting packets on a same virtual channel or on a same virtual path onto the broadband communication network with random transmission timings or with random packet transmission interval as taught by Adelman et al. in the communications network of Punj et al.

The means for transmitting packets on a same virtual channel or on a same virtual path onto the broadband communication network with random transmission timings or with random packet transmission interval can be implemented/modified into the network of Punj by using the controller box 124 to perform above function. The motivation for using means for transmitting packets on a same virtual channel or on a same virtual path onto the broadband communication network with random transmission timings or with random packet transmission interval as taught by Adelman et al. in the communications network of Punj et al. being that it prevents overflow.

9. Claim 21 is allowed.

For claim 21, the prior art fails to teach means for performing at least one of discarding and delaying the same number of packets as equals to the subtraction between a desired actual transmission speed requested by the end-user terminal in every predetermined periodic flow control cycle and a permissible actual transmission speed permitted against the desired actual transmission speed in the order of lower priority in the event that the desired actual transmission speed does not accord with the permissible actual transmission speed when the end-user terminal transmits information composed of a plurality of the packets coded by a hierarchical coding system by using a mixed bit rate transmission service mixing up a constant bit rate part and a variable bit rate part.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dail et al. (5,570,355), Kobayashi et al. (6,219,349 and 5,825,766) are all cited to show systems which are considered pertinent to the claimed invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T TON whose telephone number is 571-272-3171. The examiner can

normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Ton

DANG TON
PRIMARY EXAMINER